

# PUBLICATION

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## CMS Drives Change in Quality, Physician Payment, and Stark in Proposed 2016 Physician Fee Schedule [Ober|Kaler]

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**The Centers for Medicare and Medicaid Services (CMS) took the opportunity in its annual update of the Medicare physician fee schedule (PFS) for 2016 to make a number of proposals to drive change in quality, physician payment, and Stark.**

Many of the changes in quality and physician payment appear designed to foster innovation and reflect CMS's aggressive move toward alternative payment methodologies in Medicare physician reimbursement. The greater flexibility under the proposed changes to the Stark physician self-referral law seem, at least in part, to be a response to some of the compliance issues that CMS is seeing through the Medicare self-referral disclosure protocol (SRDP). CMS claims the proposed Stark changes are intended "to accommodate delivery and payment system reform, to reduce burden, and to facilitate compliance."

This Client Alert provides an overview of the proposed changes afoot with regard to [quality measures and various physician payment provisions](#). Ober|Kaler's Reimbursement Team will be providing more in-depth analysis of key reimbursement provisions of the proposed PFS regulation in upcoming issues of *Payment Matters*.

Also in this Client Alert, Ober|Kaler's Fraud & Abuse Team explores the various proposed Stark changes, including the [physician recruitment provisions](#), the [physician-owned hospital provisions](#), and the [technical revisions](#) to various aspects of the Stark regulations.

Finally, this Client Alert explores the provisions that would affect the [Medicare Shared Savings Program](#), including a solicitation for comments on the need for a new Stark exception for alternative payment models.

The [proposed regulation \[PDF\]](#) was published in the Federal Register on July 15, 2015. Comments are due by September 8, 2015. Please contact any of the authors – or your regular Ober|Kaler attorney contact – if you have questions about any aspect of the proposed regulation or for assistance in submitting comments on any aspect of the proposed regulation.